

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -MAY 6, 2008- -7:30 P.M.

Mayor Johnson convened the Regular City Council Meeting at 8:08 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(08-177) Proclamation declaring May as Older Americans Month.

Mayor Johnson read and presented the proclamation to Sebastian Baldassarre and Jackie Krause representing Mastick Senior Center.

Councilmember deHaan stated that the Senior Center is rewarding and draws people not just in Alameda but Oakland also; the activities keep people young.

(08-178) Proclamation declaring May 8 through 18, 2008 as Affordable Housing Week.

Mayor Johnson read and presented the proclamation to Sue Sigler, Alameda Point Collaborative (APC) Executive Director.

Ms. Sigler stated that affordable housing covers a range of income levels and different needs; Alameda is the home to the largest supportive housing community in the East Bay and provides 25% of all the housing for homeless families in Alameda County; thanked the community for continued support.

Councilmember deHaan congratulated Ms. Sigler on the breakfast fundraiser held two weeks ago; stated the number of individual businesses supporting the APC is impressive.

(08-179) Proclamation declaring May 11 through 17, 2008 as National Police Week.

Mayor Johnson read and presented the proclamation to the Police Chief and Police Department staff.

The Police Chief thanked Council for the proclamation; stated a

memorial will be held on May 13 at 10:00 a.m.

#### CONSENT CALENDAR

Mayor Johnson announced that the Minutes [paragraph no. 08-180]; recommendation to award Community Block Grant-funded Contract [paragraph no. 08-185]; and Resolution Supporting Measure H [paragraph no. 08-193] were removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(08-180) Minutes of the Regular City Council Meeting held on April 1, 2008; and the Special and Regular City Council Meetings held on April 15, 2008.

Councilmember Matarrese requested that minutes of the April 1, 2008 priority setting discussion be prepared.

Councilmember Matarrese moved approval of the April 15, 2008 Special and Regular City Council Meeting minutes.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(\*08-181) Ratified bills in the amount of \$4,173,985.77

(\*08-182) Recommendation to accept the Quarterly Investment Report. Accepted.

(\*08-183) Recommendation to set June 3, 2008 as the Hearing date to consider collection of delinquent business license fees via property tax bills. Accepted.

(\*08-184) Recommendation to set June 3, 2008 as the Hearing date to consider collection of delinquent administrative citation fees via property tax bills. Accepted.

(08-185) Recommendation to award Community Development Block Grant-funded Contract in the amount of \$96,400 to AJW Construction, Inc., and authorize a 10% contingency in the amount of \$9,640 for the construction of Disabled Accessible Curbs and ramp for 37 locations at Alameda Point.

Councilmember deHaan inquired whether it would be better to use money generated by the Alameda Point project for access curbs.

The Development Services Director responded knowing when physical improvements will be made is difficult; stated Community Development Block Grant (CDBG) funding is focused on architectural barrier removal to ensure that people have access to public streets; CDBG funding is focused on low and moderate income areas.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese stated it is important to keep an account of infrastructure improvements being made to land that the City does not own.

The Development Services Director stated the APC has a long-term, legally binding agreement.

Councilmember Matarrese stated the City needs to ensure that the Navy understands what the City is putting into land that the City does not own.

Sue Sigler, APC Executive Director, stated a number of people use wheelchairs for transportation and currently ride in the streets because sidewalks do not have curb cuts; the project is important to certain members of the community.

Councilmember deHaan stated Council is questioning the funding sources, not the need; the Alameda Point project is concerning; the money [CDBG funds] could be used elsewhere if other funding were available.

Vice Mayor Tam stated there is a clear need for Americans with Disabilities Act (ADA) access, particularly in the APC area; inquired whether future generated lease revenues could repay the CDBG fund so that the money could be used for other services; stated CDBG funding has been cut at the federal level; limited resources are stretched.

The Development Services Director responded that she would review other opportunities; stated CDBG funding has a cap on support services; opportunities might be available to repay the amount and spend the money in other ways.

Mayor Johnson stated the ADA is federal law; inquired whether the federal government should pay to make the property accessible; stated lease revenues need to pay for maintenance.

The Development Services Director stated CDBG funding requires that a certain amount of money be spent at certain times.

Councilmember Matarrese stated the City needs to request money from the Navy and document such efforts; a balance sheet is needed; the City could make deductions when the price of the transfer is determined.

Councilmember deHaan stated that various organizations requested funding at the last Council meeting; inquired whether the \$100,000 could go to another organization.

The Development Services Director responded in the negative; stated only a certain percentage can be spent on safety net services.

Mayor Johnson inquired whether the \$100,000 could be used on the West Alameda Neighborhood Improvement Project.

The Development Services Director responded approximately \$900,000 has been pledged to said project.

Mayor Johnson stated the City has needs; the preference is to use federal money on federal property and use City funds for City projects.

Councilmember Matarrese stated the Navy should be asked to pay [for improvements] and that a ledger on spending be kept.

By consensus, the motion carried by the following voice vote - 5.

(\*08-186) Recommendation to award Contract in the amount of \$72,692, including contingencies, to Universal Building Services for janitorial services in City buildings, No. P.W. 01-08-01. Accepted.

(\*08-187) Recommendation to award Contract in the amount of \$205,104, including contingencies, to Envirosapes, Inc. for landscape maintenance of median strips and special areas, No. P.W. 01-08-02. Accepted.

(\*08-188) Recommendation to adopt Plans and Specifications and authorize Call for Bids for Rittler Park irrigation and field renovation improvements, No. P.W. 11-07-34. Accepted.

(\*08-189) Resolution No. 14202, "Preliminarily Approve Annual Report Declaring Intention to Order the Levy and Collection of Assessments and Providing for Notice of Public Hearing on July 1,

2008 - Island City Landscaping and Lighting District 84-2." Adopted.

(\*08-190) Resolution No. 14203, "Preliminarily Approve Annual Report Declaring Intention to Order the Levy and Collection of Assessments and providing for Notice of Public Hearing on July 1, 2008 - Maintenance Assessment District 01-01 (Marina Cove)." Adopted.

(\*08-191) Resolution No. 14204, "Directing Staff to Take Necessary Steps to Proceed with the Dissolution of the Non-Profit Corporation, Alameda Senior Citizens, Inc." Adopted.

(\*08-192) Resolution No. 14205, "Approving Continued Participation in the Alameda County HOME Consortium and Authorizing the City Manager to Execute the HOME Consortium Cooperative Agreement with Alameda County." Adopted.

(08-193) Resolution No. 14206, "Supporting Measure H, the Alameda Unified School District Temporary Emergency Parcel Tax." Adopted.

David Forbes, Alameda Unified School District Board of Education, expressed appreciation to the Police Department in providing services to the School District; stated the State budget is in worse condition than on January 10; a parcel tax is the only way the School District can raise revenue; the recommended parcel tax equates to \$10 per month [per parcel] for four years; requested Council support.

Councilmember Matarrese moved adoption of the resolution.

Vice Mayor Tam stated the City's quality of life is tied to the quality of schools; it is incumbent upon the community to support Measure H; waiting for the State to solve the budget will cause students to suffer.

Vice Mayor Tam seconded the motion.

Under discussion, Councilmember Matarrese stated Assemblymember Swanson held a hearing on Saturday at Encinal High School; the State budget is in bad shape; fixing the budget will take a long time.

Councilmember deHaan noted that the Recreation and Park Department also supports the School District.

On the call for the question, the motion carried by the following voice vote - 5.

## REGULAR AGENDA ITEMS

(08-194) Recommendation to review Charter Amendments for the November 2008 Ballot.

Vice Mayor Tam stated the subcommittee is recommending a cleanup package and is seeking Council direction on seven substantive changes; outlined non-substantive and substantive changes.

Regarding the seventh substantive amendment to Article 111, Section 15, the Public Works Director stated both Approach A [providing authority to staff to bind the City] and Approach B [requiring ratification by Council] would work; the concern with Approach B is that staff might not be able to get the contact to Council in time and the \$75,000 limit could be exceeded.

Councilmember deHaan inquired which approach is recommended [by the subcommittee].

Councilmember Gilmore responded the concern with Approach B is that contractors may be hesitant to commit resources if there is a question as to whether Council would ratify the action at the back end; stated Approach A would give staff more flexibility; the subcommittee did not have a recommendation, but felt it was necessary to point out the potential disadvantage to Approach B.

Mayor Johnson inquired whether having an ordinance would be better; stated there should be more flexibility in the Charter.

Councilmember Matarrese stated that he does not see any practical difficulty with Approach B; getting Council together would not take long; he cannot see committing to huge job without polling Council.

Mayor Johnson stated a time period is not noted; that she does not think Approach A is the best choice.

Councilmember deHaan stated there was a lengthy discussion of Approach B in the past.

Vice Mayor Tam stated a recommendation has been made not to have a specific provision in the Charter and deal with the matter by ordinance.

The City Attorney stated that Section 3-15 requires competitive bidding; the Charter would need to be amended in order to forego competitive bidding in an emergency situation.

Councilmember Matarrese inquired whether the intent is to forego competitive bidding, not forego Council approval of contracts over \$75,000, to which the City Attorney responded in the affirmative.

Councilmember Matarrese stated that he prefers Approach B.

Vice Mayor Tam inquired whether Council wants to include seven measures separate from the cleanup package on the November ballot and include Approach B, to which Council responded in the affirmative.

Councilmember Gilmore stated that there would be a total of eight ballot measures; the first measure would include all the non-substantive cleanup language; the next seven measures would address substantive issues and would have individual initiatives.

Mayor Johnson inquired whether all seven issues are substantive, not administrative, to which the City Attorney responded in the affirmative.

Councilmember Gilmore stated discussions involved opportunities for public input; the subcommittee suggested scheduling a meeting in May, June, or July, depending upon attendance at the first meeting; the subcommittee was concerned there would be voter fatigue if too many measures were on the ballot; the subcommittee, with Council consent, suggested that the City Manager hold a workshop as early as January 2009 to address the remaining items; Council could discuss the issues, get clarification, and devise a plan for public discussion and input.

Councilmember Matarrese stated the notion should be tested for adding three or four additional items as long as there is a public workshop on proposed Charter changes; the proposed revision requiring the appointment of departments heads to be on the advise and consent of Council is a modernization and transparency in government that provides checks and balances.

Councilmember Gilmore stated that she respectfully disagrees; Councilmember Matarrese's suggestion is counter to the foundation of the Charter; Alameda does not have a strong Mayor or Council form of government; the citizens would be asked to change the way the City is governed.

Mayor Johnson stated that she does not see a problem with starting public discussion.

Councilmember deHaan stated issues could be brought back to Council after public discussion.

Councilmember Gilmore stated the subcommittee identified Charter sections that Council wanted to review; other sections of the Charter need to be reviewed for consistency.

Mayor Johnson stated that starting public discussion does not hurt; she does not agree with all recommendations, such as Board and Commission issues.

Vice Mayor Tam stated that there is a desire to expand the scope of the initial workshop beyond the eight identified issues; the City Attorney's office has other priorities; requested input on the City Attorney office's ability to support and provide framing of the 2009 issues.

The Senior Assistant City Attorney stated every effort would be made; the timeline is tight for a final vote by July 15.

Councilmember deHaan stated that he does not believe some of the issues are difficult.

Vice Mayor Tam stated that consideration needs to be given to framing the practicalities of the Mayor's and Councilmembers' compensation.

Councilmember Matarrese stated that he would like to have the November ballot include the proposed revision requiring the appointment of department heads to be on the advice and consent of Council; he will not support the compensation issue.

Councilmember deHaan stated that he was trying to clean up language and past confusion regarding Section 2-11; he would like to have the same language extended to Commissions or to take the section away.

Mayor Johnson stated that removing the section might be the solution; State law governs conflict of interest.

Councilmember Matarrese stated the matter is a clean up issue.

Mayor Johnson concurred.

Councilmember deHaan stated Section 12-4 (d) reads the Public Utilities Board (PUB) shall "prepare and adopt an annual budget;" suggested that the Section be changed to state that the annual budget would be recommended to Council.

Mayor Johnson inquired whether the change would be consistent with



everything else regarding the PUB.

The City Attorney responded that she could not answer tonight.

Councilmember deHaan stated the issue is a little more involved; that he is concerned about having the City Manager sit on the PUB.

Mayor Johnson inquired whether a Charter provision could state that the PUB recommends a budget to Council for approval.

The City Attorney responded the matter could be reviewed; stated the question is how soon the Council wants the analysis and whether it would fit into the July 15 timeline.

Councilmember Matarrese inquired whether the eight provisions require other work to get the items on the ballot.

The City Attorney responded each ballot measure needs a description of five hundred words or less.

Councilmember Matarrese stated that he would like to have his proposed Charter amendment discussed at the workshop.

Councilmember deHaan stated a decision could be made tonight on Sec. 2-11; the language could be deleted or made consistent by adding Commissions.

The City Attorney stated presently there are twenty-six Boards and Commissions; only four are Charter Boards; the issue is a significant alteration; language has been drafted already; it is possible to prepare a description of Councilmember deHaan's intent; the matter would be a stand alone measure.

Councilmember deHaan stated the idea is to strike the Section and defer to State law.

The Senior Assistant Attorney stated Section 2-11 is more restrictive than State law; the change would be substantive.

Mayor Johnson inquired whether said issue would need to be a separate item, to which the Senior Assistant Attorney responded in the affirmative.

Mayor Johnson inquired whether Councilmember Matarrese's item would be separate item.

The City Attorney responded in the affirmative; stated an analysis has not been done to see if changing the Charter in one specific

place would require other changes that have to do with the existent City Manager authority.

Mayor Johnson stated people complain to Council regarding aspects of City government; Council has no control over the matter because of the way the Charter is drafted; Council always get the blame when bad things happen even though Council has no control.

Councilmember Matarrese stated that he prefers to think of the matter in terms of accountability.

Mayor Johnson stated that Council needs to have more power to hold people accountable.

Vice Mayor Tam stated that the Charter gives the Council authority to hold the City Manager, City Attorney, and City Clerk accountable.

Michael John Torrey, Alameda, stated that he would hold his comments until the public workshops.

Bill Smith, Alameda, discussed community involvement.

Councilmember Gilmore stated the proposed Article 7 revision should be discussed at the next workshop; Council wants to delete the Section 2-11 provision and see what can be done to place the matter on the 2008 ballot; stated she did not hear any consensus from Council regarding Board and Commission nominations.

Mayor Johnson stated Board and Commission nominations would create a rotating Mayor; the City has a directly elected Mayor; she would be opposed to the change; the matter would create a hybrid system and a rotating mayor process.

Councilmember deHaan stated that he would like to have further discussion on the matter.

Vice Mayor Tam stated the direction is for the subcommittee to review three or four items in addition to the eight items being considered for a public workshop.

Mayor Johnson stated the additional items could be discussed at the workshop.

Councilmember Gilmore stated a lot depends on how quickly workshops are scheduled and the City Attorney's workload.

Vice Mayor Tam suggested the seven items and cleanup package be

discussed at the first workshop; stated the City Attorney's office would have additional time to frame and research Charter consistency of the other items raised and place the items on a subsequent workshop before July 15.

Mayor Johnson, Councilmember Matarrese, and Councilmember deHaan concurred with Vice Mayor Tam's suggestion.

Councilmember Gilmore stated that she would like to have the ability to preview Council on what will be presented at the second workshop if there is enough time between the first and second workshop.

Councilmember Matarrese stated there is consensus that the clean up language and the other seven items will be on the November ballot.

Vice Mayor Tam noted that the City Manager is having budget workshops in the next few months.

Mayor Johnson stated there might be an Alameda Power and Telecom item for the November 2008 ballot.

Vice Mayor Tam stated it is important that the voters do not get fatigued.

Mayor Johnson stated that she would not be surprised if a third round of Charter amendments was needed.

(08-195) Recommendation to consider Call for Review of Transportation Commission's decision regarding proposed parking restrictions along Central Avenue to improve traffic circulation and emergency access.

The Supervising Civil Engineer gave a brief presentation.

Mayor Johnson stated the Transportation Commission did not vote to deny the staff recommendation; there were not enough votes to accept the recommendation; a motion to deny the staff recommendation was not made.

The Supervising Civil Engineer stated the final vote was five to two not to support the staff recommendation.

Mayor Johnson stated it is important to be clear on what is consensus and what is direction; expressions are not direction.

Councilmember Gilmore stated the environmental document notes that there will be half a block queuing in 2020; inquired whether said

document considered the historic theater and Cineplex no parking zone.

The Supervising Civil Engineer responded the analysis focused on significant criteria; stated traffic signal operations were reviewed; parking in front of the theater was not addressed because the issue was not significant.

The Police Lieutenant gave a brief presentation.

Vice Mayor Tam stated the traffic study assumed 100% occupancy in 2005 and found that there was no emergency access impact; the Transportation Commission looked at unintended safety consequences from creating a defacto right-turn lane; Oakland Chinatown has an incredible amount of pedestrian traffic; the Metropolitan Transportation Commission put in bulb-outs; viewing bulb-outs as being a potential problem seems counter intuitive.

Mayor Johnson stated John Knox-White thinks that Central Avenue is effectively being widened, which is unsafe.

The Police Lieutenant stated the lane widths would remain exactly the same whether there is metered parking or passenger loading zones.

Mayor Johnson stated that Mr. Knox-White stated that the proposed right-turn lane creates a possible safety hazard for pedestrians by increasing the number of traffic lanes.

The Police Lieutenant stated people go around stopped traffic by crossing bike lanes, which is perfectly legal; the Transportation Commission's main focus was on pedestrian and bicycle traffic; congestion is expected in a downtown area and can be a good thing for overall safety because traffic slows down; the concern is that emergency vehicle access would be impeded.

Mayor Johnson stated adjustments can be made; bulb-outs would create a problem.

The Police Lieutenant stated there is concern about whether the Fire Department could make the right turn in the event of an emergency at the garage or the 1400 block of Oak Street.

Mayor Johnson stated that merging in and out [of the bike lane] is a safety issue; there is no disagreement about the parking on Central Avenue.

Councilmember deHaan stated the bicycle lane could be crossed three

times just to get around the corner.

The Police Lieutenant stated enforcement would be increased; the vehicle code allows for three circumstances when crossing a bike lane: 1) entering and existing the roadway; 2) parking; 3) setting up for a turn when within 200 feet of an intersection.

Councilmember Gilmore inquired whether emergency vehicles would not use any part of the loading zone, to which the Police Lieutenant responded in the negative.

Councilmember deHaan stated that many intersections have defacto turn lanes that work well.

Mayor Johnson stated there are defacto turn lanes everywhere in Alameda.

Michael Krueger, Alameda, stated that he does not oppose parking removal, loading and drop zones, or emergency access; he is concerned with the creation of the defacto right turn lane; other alternatives should be explored, i.e., bulb-outs or an official right turn lane; a temporary measure could be taken with the intent of a more elegant solution in the future; he would like to see the drop off zone and emergency access in place for the grand opening [of the theater].

Mayor Johnson stated that the Police Department believes their recommendation is safer.

Ricardo Pedevilla, Bike Alameda, stated that he is concerned with the loading zone.

Debbie George, Park Street Business Association (PSBA), stated that PSBA supports the staff recommendation.

Robb Ratto, PSBA, stated the Transportation Commission did not recommend anything at its last meeting; that he made a motion to accept the staff recommendation, which was seconded by another member; the vote was lost five to two; the Transportation Commission decided to move on to other business; he does not think that an emergency vehicle would be able to make a right-hand turn with a bulb-out at the corner; suggested that the issue be reviewed after 90 days.

Kyle Conner, Cineplex Developer, stated that he concurs with the Police and Fire Department recommendation.

Councilmember Matarrese stated that he has concerns regarding the

right-hand turn lane onto Oak Street; he does not like bulb-outs or people crossing in and out of bike lanes; Oakland's Chinatown has a scramble-type intersection that works very well; he would like to have some type of signal and pedestrian management to ensure that the rules are clear on yielding to pedestrians trying to cross from the Twin Towers side to the Cineplex; the Central Avenue and Oak Street intersection differs from Oak Street and Santa Clara Avenue; he likes the recommendation for the loading zone and parking zone; inquired whether the area could be signalized.

The Supervising Civil Engineer responded a sign would be installed to remind motorists to yield for pedestrians.

Councilmember Matarrese inquired whether a signal would be an option.

The Supervising Civil Engineer responded pedestrian volumes need to be reviewed.

Mayor Johnson stated the [Oakland Chinatown] scramble-type intersection works well; the City of Oakland had people directing and providing information to pedestrians on how to use the intersection.

Vice Mayor Tam stated a Metropolitan Transportation Commission grant provides for the construction of bulb-outs at the Chinatown intersection to allow for pedestrian safety.

Mayor Johnson stated the streets are very wide in the Chinatown area.

The Supervising Civil Engineer stated that the scramble-type intersections are successful if surrounding streets are not close to an area such as Park Street.

Councilmember Matarrese stated the concept is to protect the crossing in front of the right-hand turn.

Councilmember deHaan stated a formal right-hand turn lane could be reviewed and should be included in the analysis.

Councilmember Matarrese moved approval of the staff recommendation with the following direction: a report be brought back ninety days after the Theater opens; the Police Department is to provide enforcement and education; and that any mitigations brought back be reviewed by interested parties.

Councilmember deHaan seconded the motion.

Under discussion, Vice Mayor Tam stated that she will not support the motion; the 2005 traffic and parking study did not identify an access issue; a change is being proposed with the idea of waiting to see if the change is problematic; the process seems a little backwards; she does not understand why the Police and Fire Departments went to the Transportation Commission rather than Council; there was not enough time to have a full discussion to provide strategic alternatives that would make sense for everyone.

Mayor Johnson stated the Transportation Commission did not make a recommendation; that she does not think the Police Department's recommendation should be portrayed as wait and see; the Police Department is recommending what they believe is safe.

Councilmember Matarrese stated that his motion is not intended to be a wait-and-see approach and includes having Police Department representatives at the intersection at peak times to provide information, direct traffic, and provide enforcement as needed; he does not support putting in hard construction measures without additional data.

Councilmember Gilmore stated that she is in favor of the commercial and passenger loading zones; she is concerned about the extra red curbing on the corner because of people pulling out around cars making left turns, the defacto right-turn lane, and pedestrians crossing the street; she would not want to put in hard construction measures but would be in favor of putting in some planters to prevent the defacto right turn lane; she will not support the motion.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers deHaan, Matarrese, and Mayor Johnson - 3. Noes: Councilmembers Gilmore and Tam -2.

(08-196) Public Hearing to consider Green Building Requirements for City building projects, Capital Improvement Projects, and public-private partnerships and adoption of a 75% waste diversion goal;

(08-196A) Resolution No. 14207, "Establishing a Goal of 75% Reduction of Waste Going to Landfills by 2010 for the City of Alameda in Accordance with the Countywide 75% Waste Reduction Goal." Adopted; and

(08-196B) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Chapter XIII (Building and Housing) by Creating a Civic Green Building Ordinance. Introduced.

The Supervising Planner gave a brief presentation.

Councilmember Gilmore inquired how much the Leadership in Energy and Environmental Design [LEED] criteria adds to the construction cost, to which the Supervising Planner responded the ordinance would mandate the minimum level.

Councilmember Matarrese inquired how the \$3 million figure was arrived.

The Supervising Planner responded the model ordinance was used from Stopwaste.

Mayor Johnson inquired whether the proposed ordinance would apply to the buildings at the former Base, to which the Supervising Planner responded in the affirmative.

Councilmember Matarrese inquired whether exceptions would be made for housing developments that have a single builder with individual homes that do not exceed the \$3 million.

The Supervising Planner responded the Shensei Gardens Apartments and Bayport would fall under the proposed ordinance.

Councilmember Matarrese inquired whether the six unit affordable housing project on Buena Vista Avenue would be looked at as a whole.

The Supervising Planner responded in the negative; stated each unit has a separate permit.

In response to Councilmember deHaan's inquiry about the 75% waste diversion goal, the Environmental Services Manager stated the 75% reduction goal is already in place for the City as a whole.

Vice Mayor Tam stated that the City is not that far from the proposed 75% goal.

The Environmental Services Manager stated the City's diversion rate is 68%.

Mayor Johnson stated some cities have not adopted food waste recycling; Alameda is leading the pack in recycling.

Vice Mayor Tam moved adoption of the resolution and introduction of the ordinance.



Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(08-197) Recommendation to review options for community participation in implementation of the Local Action Plan for Climate Protection.

The Planning and Building Director gave a Power Point presentation.

Bill Smith, Alameda, discussed alternative energy.

Councilmember Matarrese stated that he appreciates and supports the proposed committee structure; the partnership provides the broadest possible scope for dealing with a community issue, not just a City issue; he appreciates having tasks aligned with priorities as well as due dates; measuring the progress to the plan will be very effective; he would like to see a way to add a more detailed breakdown of the steps that go to accomplishing some of the items from the City side as well as the public side; he appreciates all the work done by the Task Force and staff.

Councilmember deHaan stated Assembly Bill 32 requires getting back to the 1990 level; inquired what was the level of emissions at that point.

The Planner I responded staff was unable to calculate back to 1990 because there is a lack of data from PG&E.

Vice Mayor Tam stated that forming a public-private partnership makes the most sense since the City's facilities are only 3% of the overall impact; she would like to see if there is a way the broader group can provide some feedback to the City's Capital Improvement Projects to see if there are opportunities to implement some of the actions.

The Planning and Building Director stated the annual and bi-annual budget review provide a perfect opportunity to start working with the whole group.

Vice Mayor Tam moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Gilmore stated that she appreciates the amount of work done; she is sensing a lot of enthusiasm from staff as well as the former Climate Protection Task Force; the enthusiasm will translate well into the larger community.

Councilmember Matarrese suggested some type of public recognition for the work done by the Task Force; requested that the presentation be posted to the website and that future Power Point presentations be included in the packet.

On the call for the question, the motion carried by unanimous voice vote - 5.

(08-198) Resolution No. 14208, "Opposing Proposition 98 and Supporting Proposition 99." Adopted.

The Deputy City Manager gave a brief presentation.

Mayor Johnson inquired whether CalTrans would be able to use eminent domain to do road improvements under Proposition 98.

The Deputy City Manager responded said improvements would be more difficult and costly.

Mayor Johnson stated the City's redevelopment ordinances do not allow taking of residential property.

Councilmember Matarrese moved adoption of the resolution.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

#### ORAL COMMUNICATIONS, NON-AGENDA

(08-199) Robb Ratto, PSBA, stated C-C Zoning was created for the Park Street Business District; a Park Street Business District member was informed that a Use Permit is needed to change an address; the Use Permit would cost \$1,800; the business should have been included as an approved usage, especially on a second floor; there is not enough differentiation between first floor non-retail and second floor usage; requested that staff be directed to work with PSBA to rewrite portions of the C-C Zoning.

Mayor Johnson stated that she is familiar with the issue.

Mr. Ratto stated yoga studios should have been included as permitted uses on second floors.

The City Manager stated that staff would follow up on the matter.

(08-200) Michael John Torrey, Alameda, extended Happy Mother's Day wishes.

(08-201) Bill Smith, Alameda, discussed global wealth.

#### COUNCIL REFERRALS

None.

#### COUNCIL COMMUNICATIONS

(08-202) Consideration of Water Emergency Transportation Authority Community Advisory Committee appointment.

Mayor Johnson suggested that Councilmember Gilmore be appointed to the Committee and Councilmember deHaan serve as the alternate.

Councilmember Matarrese moved approval of appointing Councilmember Gilmore as the City's representative and Councilmember deHaan as the alternate.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5.

(08-203) Consideration of Mayor's nomination for appointment to the Planning Board.

Mayor Johnson nominated Arthur A. Autorino.

(08-204) Councilmember Gilmore stated that she attended the Association of Bay Area Governments (ABAG) Spring General Assembly on April 24; discussions included focused, priority development areas; speakers explained that change should not be confused with growth because change does not always equal growth; change can happen without growth; growth should be discussed in terms of quality of life, rather than number of businesses; communities should know that change or growth may require trade offs.

(08-205) Vice Mayor Tam stated that she attended the April 2 Environmental Policy Committee for the League of California Cities; the League is converging on supporting legislation that would extend universal waste disposal responsibility to the original producer so that cities and counties are not left with responsibility and costs for disposal alternatives; the diversion rate was also discussed; Alameda has an exceptional record; stated that she attended the League of California Cities Legislative Action Day on April 16; the budget overshadowed the conversation; Finance Director Michael Genest gave his perspective on the grim, Statewide budget; Mr. Genest stated that the Vehicle License Fee tax cut is the most significant cause of State budget problems; a balanced budget is not anticipated this summer; stated that she

attended the April 28 luncheon for Breathe California; Alameda Power and Telecom received an award for achieving approximately 70% renewable resources.

(08-206) Councilmember Gilmore stated that she attended the Oakland Airport Community Noise Management Forum on April 16; the community watchdog group works very hard with the Port of Oakland, and specifically the airport, to track flight compliance procedures over Alameda, San Leandro, and the rest of the East Bay; a Federal Express pilot gave a presentation regarding the current number of old, noisy airplanes and when said planes would be disposed.

(08-207) Mayor Johnson stated that she attended the Northern California Power Agency Legislative Advocacy Conference; Alameda should be very proud of receiving the Breathe California award; Senator Feinstein's or Senator Boxer's office inquired about a proposal to have environmental block grants distributed directly to cities; a letter should be sent supporting the proposal because the grants would help with environmental sustainability initiatives; the issue was discussed at the Mayor's Conference.

The Deputy City Manager stated a \$2 billion authorization passed approximately a year ago; currently, work is being done on appropriations of said funds.

#### ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular City Council Meeting at 11:26 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTE OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -MAY 6, 2008- -6:00 P.M.

Mayor Johnson convened the Special Meeting at 6:10 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,  
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(08-170) Conference with Labor Negotiators: Agency Negotiators: Craig Jory and Human Resources Director; Employee Organizations: All Public Safety Bargaining Units, and Management and Confidential Employees Association.

(08-171) Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 Number of cases: One.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Labor, Council received an update on the status of negotiations from Labor Negotiators; no action was taken; regarding Legal, Council received a briefing from Legal Counsel regarding a matter of potential litigation; no action was taken.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:45 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL, COMMUNITY  
IMPROVEMENT COMMISSION (CIC), AND HOUSING AUTHORITY  
BOARD OF COMMISSIONERS (HABOC) MEETING  
TUESDAY- -MAY 6, 2008- -7:25 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:58 p.m. Commissioner Torrey led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Commissioners deHaan, Gilmore, Matarrese, Tam, Commissioner Torrey and Mayor/Chair Johnson - 6.

Absent: None.

CONSENT CALENDAR

Vice Mayor/Commissioner Tam moved approval of the Consent Calendar.

Councilmember/Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 6. [Items so enacted or adopted are indicated by asterisk preceding the paragraph number.]

(\*08-172CC/\*08-21CIC) Minutes of the Special Joint City Council and Community Improvement Commission Meeting held on April 15, 2008. Approved.

(\*08-22CIC) Recommendation to approve a fourth amendment to the Contract with Associated Right of Way Services, Inc. adding \$10,000 to the budget for a total Contract amount of \$85,000 to provide consulting services for the Stargell Avenue Extension Project. Accepted.

(\*08-23CIC) Resolution No. 08-153, "Authorizing the Executive Director to Convey and Accept Various Easements for the Development of Shinsei Gardens Apartments at 401 Wilver "Willie" Stargell and to Facilitate Utility Infrastructure on Adjacent CIC Property." Adopted;

(\*08-23A CIC) Resolution No. 08-154, "Authorizing the Executive Director to Convey by Quitclaim Deed, 2,420 Square Feet at the Former Fleet Industrial Supply Center Site for the Storm Water Pump Station to the City of Alameda." Adopted;

(HABOC) Resolution No. 800, "Authorizing the Chief Executive Officer to Convey and Accept Various Easements for the Development

of Shinsei Gardens Apartments at 401 Wilver "Willie" Stargell Avenue." Adopted; and

(\*08-173CC) Resolution No. 14200, "Authorizing Conveyance of Various Easements for the Development of Shinsei Gardens Apartments at Wilver "Willie" Stargell Avenue." Adopted.

(\*08-174CC/\*08-24CIC) Recommendation to approve an Addendum to the Alameda Landing Mixed Use Development Project Supplemental Environmental Impact Report; a Letter of Intent regarding property exchange by and among Palmtree Acquisition Corporation, Peralta Community College District and the CIC; and a Letter of Agreement between the City of Alameda and Palmtree Acquisition Corporation for dedication of the Stargell Avenue Right-of-Way;

(\*08-174A CC) Resolution No. 14201, "Approving a Right-of-Way Contract Between the City of Alameda and the Peralta Community College District for the Stargell Extension Project." Adopted; and

(\*08-08-24A CIC) Resolution No. 08-155, "Approving Letter of Intent by and Among Palmtree Acquisition Corporation, Peralta Community College District, and the CIC and Authorizing the CIC to Accept the Deed to Property." Adopted.

#### AGENDA ITEMS

(08-175CC/08-25 CIC) Recommendation to approve modifications to the City of Alameda Down Payment Assistance Program to include refinance mortgage recovery loans for qualified existing homeowners.

The Development Services Director gave a brief presentation.

Councilmember/Commissioner deHaan moved approval of the staff recommendation.

Councilmember/Commissioner Matarrese seconded the motion.

Under discussion, Councilmember/Commissioner Matarrese stated the bad loans that led to the current crisis are being addressed; putting the safety net in place is important.

On the call for the question, the motion carried by unanimous voice vote - 5.

(08-176CC/08-26 CIC) Recommendation to adopt Loan Guidelines for Downpayment Assistance Loan Program and Below Market Rate Ownership

Housing.

The Development Services Director gave a brief presentation.

Vice Mayor/Commissioner Tam stated the staff report indicated that the City allowed a very limited number of adjustable, but amortizing loans that could not go negative for the Bayport project; inquired whether there have been any poor experiences with the adjustable loans.

The Development Services Director responded in the negative.

Councilmember/Commissioner Matarrese stated that he appreciates staff bringing the item forward; there is no action at the State or federal level.

Councilmember/Commissioner Matarrese moved approval of the staff recommendation.

Vice Mayor/Commissioner Tam seconded the motion.

Under discussion, Mayor/Chair Johnson stated the fact that the City has not had any foreclosures is indicative of the rational, high quality way the City has addressed the issue.

On the call for the question, the motion carried by unanimous voice vote - 5.

#### ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 8:08 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk  
Secretary, Community Improvement  
Commission

The agenda for this meeting was posted in accordance with the Brown Act.